

REMARKS

By this amendment, the limitations of claims 12 and 13 have been added to claim 1 and claims 12 and 13 have been canceled. Since Applicant has reproduced the language of dependent claims 12 and 13 *verbatim*, and since the limitations of claims 12 and 13 have already been considered by the Examiner, this amendment should be entered without the need for a further search. No new matter has been added. Claims 14 and 17-30 have also been cancelled without prejudice.

Although claims 12 and 13 stand rejected under 35 USC 103(a) over the Matyas/West et al. combination, the Examiner's argument with respect to these claims is limited to the teachings of Matyas. Indeed, the Examiner cites the same paragraph of Matyas, reproduced below, to reject both claims:

"At step 204, buyer 10 points and clicks on the hyper-link to obtain product evaluation information for the product of interest. At step 62, buyer's browser requests URL for HTML page(s) from evaluator 50, i.e., the buyer 10 requests survey results for the product of interest by clicking on the evaluator's hyper-link. At step 63, buyer's browser receives HTML page(s) from evaluator 50. At step 205, buyer's browser views HTML page(s) received from evaluator 50. The buyer 10 uses the product evaluation information in deciding whether to purchase the product or not. For the purposes of the present invention we assume that the buyer 10 decides to purchase the product. ('287 Patent, 19:4-15)

Claims 12 and 13 set forth the combined limitation of "previously collected survey results ... including a composite survey response ... and wherein the composite survey response is unrelated to the survey questionnaire." The Examiner argues that this limitation is disclosed in the paragraph reproduced above because "inherently the requested survey results are unrelated to the survey questionnaire if the user submits survey questionnaire for one product, but requests survey results for another product."

This is neither suggested implicitly or explicitly by Matyas. In Matyas, the buyer requests survey results for the product of interest to decide whether to purchase the "product of interest" (19:7-13); buyer purchases the "product of interest" (19:15-20). Buyer may (or may not) fill out a survey for the "purchased product" (19: 30-34). Indeed, the subject matter of the questionnaire in Matyas is related *only* and *exclusively* to the "purchased product," which was

exactly the “product of interest” before the purchase since the buyer receives a survey questionnaire on the “purchased product” only after buyer purchases the “product of interest.” Therefore the subject matter of the survey questionnaire for the “purchased product” is exclusively and directly related to the requested survey results for the “product of interest.” This in no way could be construed as stating implicitly or explicitly that the survey results are inherently unrelated to the survey questionnaire. In fact, Matyas teaches the opposite.

If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). If, as suggested by the Examiner, a user of the Matyas system requested survey results for a different product, a prospective buyer could not use “the product evaluation information in deciding whether to purchase the product or not.” An important goal of the Matyas system would be defeated and *prima facie* obviousness has not been establish.

Based upon the foregoing amendments and comments, Applicant believes that all pending claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

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